

PROB. 12B
(7/93)

ORIGINAL

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

United States District Court

for the

DISTRICT OF HAWAII

JUL 18 2006
at 3 o'clock and 15 min. PM
SUE BEITIA, CLERK

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: CHRISTIAN SANCHEZ

Case Number: CR 03-00481HG-02

Name of Sentencing Judicial Officer: The Honorable Helen Gillmor
Chief U.S. District Judge

Date of Original Sentence: 9/27/2004

Original Offense: Counts 2, 4, and 6: Money Laundering, in violation of 18 U.S.C.
§ 1956(a)(1)(B), a Class C felony

Original Sentence: Eighteen (18) months imprisonment as to each of Counts 2, 4, and 6 of the Indictment, all such terms to be served concurrently and three (3) years supervised release, as to each of Counts 2, 4 and 6, to be served concurrently with the following special conditions:
1) That the defendant provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office. The Court also ordered that a fine of \$5,000 is due immediately and any remaining balance upon release from confinement be paid during the period of supervision on an installment basis according to the collection policy of the Probation Office but at a rate of not less than 10 percent of his monthly gross income. Interest is waived while the defendant is serving his term of imprisonment and shall commence to accrue on any remaining balance upon his release on supervision.

Type of Supervision: Supervised Release Date Supervision Commenced: 2/24/2006

NONCOMPLIANCE SUMMARY

The offender has not complied with the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1. General Condition	On 4/25/2006, the subject was convicted of Reckless Driving in Hermosa Beach, California.

PETITIONING THE COURT

[X] To modify the conditions of supervision as follows:

- 2) *As a condition of supervision, Christian Sanchez shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two thereafter, not to exceed four (4) tests per month, as directed by the probation officer; and shall refrain from the use of alcohol and shall submit to monitoring for the presence of alcohol as directed by the probation officer.*

CAUSE

The subject's term of supervised release commenced on 2/24/2006 in the Central District of California (CD/CA). The U.S. Probation Office in that district has been supervising the subject as a courtesy to the U.S. Probation Office, District of Hawaii.

On 4/4/2006, our office notified the Court that the subject was arrested for Driving Under the Influence of Alcohol in Hermosa Beach, California. According to the police report, the subject was seen driving his vehicle through two (2) stop signs. Officers subsequently stopped the subject's vehicle and approached him. The subject reportedly emitted a strong odor of alcohol, had red glassy eyes, and slurred speech. He was arrested for Driving Under the Influence of Alcohol after he failed a field sobriety test. A breath exam was administered. The subject's breath alcohol results measured .09%.

The CD/CA probation officer recommended that the Court take no action against the subject since he was in compliance with all other supervision conditions. The Court concurred with this recommendation on 4/5/2006.

On 6/19/2006, our office received a letter from the CD/CA indicating that on 4/25/2006, the subject appeared before the Los Angeles County Superior Court. He pled nolo contendere to the lesser charge of Reckless Driving, a violation of Section 23103(a) of the California Vehicle Code. He was convicted and sentenced to

summary probation for thirty-six (36) months and ordered to pay a fine of \$779 and restitution in the amount of \$850. He was further ordered to participate and complete a three-month alcohol and drug education and counseling program.

The CD/CA probation officer believes that the action taken by the Los Angeles County Superior Court will serve as an adequate sanction. However, the CD/CA also believes that a drug testing condition will be needed to adequately monitor the subject's use of alcohol and/or controlled substances. We concur with the CD/CA's proposed modification.

Attached is a signed Waiver of Hearing to Modify Conditions of Supervised Release. The subject waives his right to a hearing and to assistance of counsel. The subject agrees to the modification of the conditions of supervised release. The subject's attorney and the U.S. Attorney's Office have been notified of the proposed modification and have no objections.

Respectfully submitted by,



ALYSA K. MAKAHANALOA
U.S. Probation Officer Assistant

Approved by:



TIMOTHY M. JENKINS
Supervising U.S. Probation Officer

Date: 7/10/2006

THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above
☐ Other



HELEN GILLMOR
Chief District Court Judge

7-16-06

Date

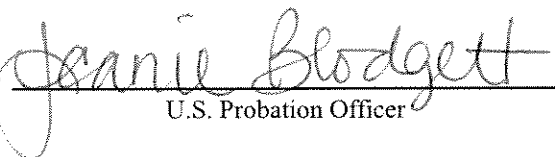
PROB 49
(3/89)**United States District Court**_____**District**_____ of Hawaii**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

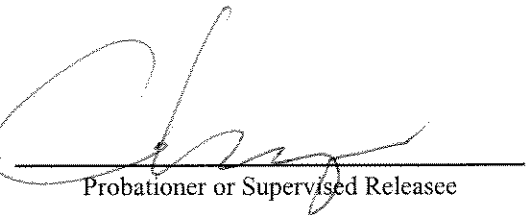
As a condition of supervision, Christian Sanchez shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two thereafter, not to exceed four (4) tests per month, as directed by the probation officer; and shall refrain from the use of alcohol and shall submit to monitoring for the presence of alcohol as directed by the probation officer.

Witness



U.S. Probation Officer

Signed



Probationer or Supervised Releasee

Date